IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8182 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MADHU TEXTILES

Versus

RAJENDRA RAMESHWAR JAISWAR

Appearance:

1. Special Civil Application No. 8182 of 2004

MR AK CLERK for Petitioner No. 1

MR RAMNANDAN SINGH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 16/08/2004

ORAL JUDGEMENT

Rule. Mr.Ramanandan Singh waives service of notice of rule on behalf of the respondent. At the joint request of the learned advocates appearing for the

parties, the petition is taken up for final disposal today.

2. In the present petition, the petitioner is challenging the order dated 25.11.03 by which Misc.Application No.278/03 in Reference (LCA) No.1877/94 filed by the petitioner seeking setting aside the ex parte award was rejected by the Labour Court. It is the case of the petitioner that there was fire in the premises of the petitioner Company and that therefore, the petitioner could not participate in the proceedings before the Labour Court or seek setting aside of the ex parte award within time.

3. Considering the submissions made, the order of the Labour Court dated 25.11.03 and the award dated 8.10.2001 passed by the Labour Court in Reference (LCA) No.1877/94 are set aside and the proceedings are remanded to the Labour Court for fresh adjudication after hearing both the sides. The petitioner, however, shall have to pay cost of Rs.10,000/= (Rupees ten thousand only) to the respondent within a period of four weeks from today. Considering the fact that the reference is of the year 1994, the Labour Court is requested to give priority consideration to the proceedings to try and dispose of the same as far as possible within a period of four months from the date of receipt of a copy of this order.

4. In view of these directions, the petition stands disposed of. Rule is made absolute to the above extent.

Direct service to the respondent.

(Akil Kureshi, J.)

(vjn)